



June 17, 2003

## **Backgrounder: Shining a Light on the Debate About Iraq's WMD Program**

Given Saddam Hussein's history of using weapons of mass destruction (WMD) in combat operations, it is not surprising that the Bush Administration believed that U.S. troops were vulnerable to a WMD attack in Iraq. If the Bush Administration is guilty of anything, it is in exercising an abundance of caution with regard to the threat of Hussein's willingness to deploy WMD against coalition troops during Operation Iraqi Freedom, and taking the necessary steps to minimize, if not neutralize, the effects of any such attack.

Prior to the commencement of full-scale combat operations, the Bush Administration used special operations forces to forestall particularly worrisome Iraqi options such as oil field sabotage, missile attacks on Israel, and Iraqi use of chemical or biological weapons. As part of this effort, leaflets were dropped warning of serious consequences if Iraqi troops used WMD against allied troops. The military plan included means to cut off the Iraqi military's command-and-control system, secure Iraqi ammunition dumps and missile launch sites, and equip allied troops with cumbersome biological and chemical warfare gear. The war plan was extremely effective in accomplishing its mission, as evidenced by the swiftness in which the coalition reached and secured Baghdad and major Iraqi cities, and by the relatively low casualty count.

Despite the undeniable success of this military operation and the end of Hussein's renegade regime, some are now demanding the Bush Administration immediately produce weapons of mass destruction in order to further justify the war effort.

### **Questions to Consider Regarding the Existence of Iraq's WMD Program:**

1. If Hussein did not have a Weapons of Mass Destruction (WMD) program, why did he kick out U.N. weapons inspectors when they requested access to the presidential palaces and other suspect sites in Iraq in 1998 – in direct violation of the cease-fire conditions that Iraq had accepted under United Nations Security Council Resolution 687 of 1991?
2. If Hussein did not have a WMD program, why, on November 8, 2002, did the United Nations Security Council – including Syria, Russia, France, and Germany – unanimously approve

Resolution 1441, which gave Baghdad a “final opportunity to comply with its disarmament obligations” and strengthened the weapons inspection regime for Iraq?

3. If Hussein did not have a WMD program, why didn't he comply with U.N. Security Council Resolution 1441 to allow U.N. weapons inspectors to have unfettered access to all sites in Iraq, thus providing him the opportunity to show the world that he did not possess WMD?
4. If Hussein did not have WMD, why did U.S. troops find large amounts of biological and chemical protective gear and antidotes (such as atropine syringes) in Iraqi army bunkers?

**Possible Scenarios About Hussein's WMD program:**

1. *The Hussein regime never had a WMD program.*

This is not possible, given the amount of evidence that exists about Hussein's WMD program, including his use of chemical and biological weapons during the 1980-88 war with Iran and against the Kurds and his own people. In fact, a decade after the end of the Iran-Iraq war, more than 30,000 Iraqis were still being treated for injuries resulting from mustard gas poisoning.<sup>1</sup>

2. *The Hussein regime had a WMD program, but completely destroyed it and all of its contents prior to the commencement of Operation Iraqi Freedom.*

This is not likely, since Saddam Hussein could have told the United Nations that he had ordered his WMD program destroyed, and arranged for verification so as to avert an armed conflict with the United States and keep himself in power.

3. *The Hussein regime had WMD programs and either concealed them within Iraq and/or transferred them to Syria or other rogue regimes prior to and during the early days of Operation Iraqi Freedom.*

This is the most plausible of the scenarios. The U.S. intelligence community (both in the Clinton and Bush Administrations) and U.N. weapons inspectors (UNSCOM and UNMOVIC) have stated that, going back to the end of the 1991 Gulf War, Hussein engaged in a significant “concealment” effort of his WMD program. It is quite realistic to believe that, in the time-frame between the U.S. Congress

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<sup>1</sup>Center for Defense Information, <http://www.cdi.org/issues/cbw/Iraq.html>.

passing its authorization to use military force against Iraq in October 2002 and Operation Iraqi Freedom actually commencing in March 2003, Hussein systematically hid them within Iraq — a country as big as California — and/or transferred WMD materials and information to neighboring states such as Syria, Iran, and Libya — all of which have attempted to acquire WMD capacities during recent years.

**What the U.S. Knew About Hussein's WMD Program:**

- **Congressional Findings:** These are the findings from the **1998 Iraqi Liberation Act (H.R. 4655)**, which President Clinton signed into law in October of 1998 (P.L.105-338):
  - ✓ On September 22, 1980, Iraq invaded Iran, starting an eight-year war in which Iraq employed chemical weapons against Iranian troops and ballistic missiles against Iranian cities.
  - ✓ On March 16, 1988, Iraq used chemical weapons against Iraqi Kurdish civilian opponents in the town of Halabja, killing an estimated 5,000 Kurds.
  - ✓ Hostilities in Operation Desert Storm ended on February 28, 1991, and Iraq subsequently accepted the cease-fire conditions specified in United Nations Security Council Resolution 687 (April 3, 1991) requiring Iraq, among other things, to disclose fully and permit the dismantlement of its weapons of mass destruction programs and submit to long-term monitoring and verification of such dismantlement.
  - ✓ Since March 1996, Iraq has
    - systematically sought to deny UNSCOM weapons inspectors access to key facilities and documents;
    - endangered the safe operation of UNSCOM helicopters transporting UNSCOM personnel in Iraq on several occasions; and
    - persisted in a pattern of deception and concealment regarding the history of its weapons of mass destruction programs.
  - ✓ On August 5, 1998, Iraq ceased all cooperation with UNSCOM, and subsequently threatened to end long-term monitoring activities by the International Atomic Energy Agency and UNSCOM.
  - ✓ On August 14, 1998, President Clinton signed Public Law 105-235, which declared that “the Government of Iraq is in material and unacceptable breach of its international obligations” and urged the President “to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.”

- **Congressional Findings:** These are the findings from **2002 Authorization for Use of Military Force Against Iraq Resolution (H. J. Res. 114)**, which President Bush signed into law in October of 2002 (P.L. 107-243):
  - ✓ Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations.
  - ✓ Iraq’s demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself.

**What the World Knew About Hussein’s WMD Program:**

- **United Nations:** On December 15, 1998, U.N. **Secretary General Kofi Annan** transmitted a report from **UNSCOM director Richard Butler** to the U.N. Security Council, and yet again advised the Council that “UNSCOM did not enjoy full cooperation from Iraq.” Butler wrote in his report to the Security Council that “[Iraq’s] disclosure statements have never been complete; ... *contrary to the requirement that destruction of prohibited capabilities be conducted under international supervision, Iraq undertook extensive, unilateral, secret destruction; and ... [Iraq] also pursued a practice of concealment of proscribed items, including weapons.*”<sup>2</sup>
- **Amorim Report:** In March 1999, the so-called “Amorim Report,”<sup>3</sup> published after UNSCOM inspectors departed Iraq, included as “remaining concerns” (among others):

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<sup>2</sup> UNSC Document S/1198/1172, December 15, 1998 (emphasis added).

<sup>3</sup> Officially, “Report of the First Panel Established Pursuant to the Note by the President of the [U.N.] Security Council on January 30, 1999, Concerning Disarmament and Current and Future Ongoing Monitoring and Verification Issues.”

- ✓ “In the chemical weapons area . . . satisfactory resolution is required especially with regard to: a) discrepancies with Iraq’s declarations on the expenditure of CW [chemical weapons] munitions in the 80s, as indicated by figures contained in a document detailing consumption of special munitions by Iraq; b) evidence of 550 artillery shells filled with mustard declared to have been lost shortly after the Gulf War; c) accounting for five hundred R-400 bombs, which could be done through the verification of the disposition of the parachute tail sections of those bombs; d) Iraqi declarations on the production and weaponization of the chemical agent VX, in particular with regard to the military plans for the use of VX during various periods, the different precursors available and the synthetic routes pursued; and e) the material balance of CW production equipment.”<sup>4</sup>
  
- **UNMOVIC:** In Resolution 1284 of December 17, 1999, the Security Council created the United Nations Monitoring, Verification and Inspections Commission (UNMOVIC) to replace the UNSCOM weapon inspection team. The Council demanded that Iraq allow UNMOVIC “immediate, unconditional and unrestricted access” to Iraqi officials and facilities, fulfill its commitment to return Gulf War POWs, and distribute humanitarian goods and medical supplies to its people, and address the needs of vulnerable Iraqis, without discrimination.
  
- **Armitage:** On January 21, 2003, Deputy Secretary of State Richard Armitage stated, “The events of the past week can be hard to interpret. It is safe to say that the discovery of 16 chemical warheads and new documents about nuclear and missile programs is an important development. It signals that the inspectors are doing their best to do their jobs – that they are beating in at least some small way the considerable odds Saddam Hussein has stacked against them. But finding these 16 warheads just raises a basic question: Where are the other 29,984? Because that is how many empty chemical warheads the U.N. Special Commission estimated he had – and he has never accounted for. And where are the 550 artillery shells that are filled with mustard gas? And the 400 biological weapons-capable aerial bombs? And the 26,000 liters of anthrax? The botulinum, the VX, the Sarin gas that the U.N. said he has? We don’t know, because Saddam Hussein has never accounted for any of it.”<sup>5</sup>

Armitage also stated, “Instead, [Saddam] gave us a three-foot stack of papers devoid of the most important information – making this his third such declaration that has failed to be full, currently accurate and complete, as required by the U.N. Security Council. As Dr. Blix just said: “We feel the declaration has not answered a great many questions of the past which still remain open. . . . We have some way to go.”<sup>6</sup>

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<sup>4</sup> UNSC Document S/1999/356, Paragraph 21, March 27, 1999, <http://www.un.org/Depts/unmovic/documents/Amorim%20Report.htm>.

<sup>5</sup> Richard Armitage, speech before the United States Institute of Peace on January 21, 2003, Washington, D.C., see <http://www.state.gov/s/d/rm/16784.htm>.

<sup>6</sup> Armitage, January 21, 2003.

- **Hans Blix:** On January 27, 2003, in his report to the U.N. Security Council on Iraq’s 12,000-page declaration that was submitted on December 7, 2002, UNMOVIC Executive Director Hans Blix voiced his expectation that Iraq would have tried to respond to, clarify, and submit supporting evidence regarding many open disarmament issues contained in Document S/1999/94 (the Butler report), and in the Amorim Report of March 1999.<sup>7</sup>
- According to Blix, Iraq’s December, 2002 declaration *contained no new evidence that would eliminate the questions raised by the [Butler and Amorim] documents*, or reduce their number. In other words, in its December, 2002 declaration, Iraq apparently ignored the serious issues raised in the baseline reports of January and March, 1999, as well as later information collected about Iraq’s armaments.<sup>8</sup>
- Specifically, in Dr. Blix’s report to the United Nations<sup>9</sup>, he found that:
  - ✓ On the nerve agent VX– Iraq declared that it never weaponized VX and that it destroyed all its stocks. “UNMOVIC, however, has information that conflicts with this account. There are indications that...more had been achieved than has been declared. ...There are also indications that the agent was weaponized.”
  - ✓ On chemical bombs – There was a discrepancy of 6,500 bombs in Iraq’s accounting. “The amount of chemical agent in these bombs would be in the order of about 1,000 tonnes. In the absence of evidence to the contrary, we must assume that these quantities are now unaccounted for.”
  - ✓ On anthrax – Iraq claimed it had produced 8,500 litres of anthrax and unilaterally destroyed it. However, “Iraq has provided...no convincing evidence of its destruction. There are strong indications that Iraq produced more anthrax than it declared, and that at least some of this was retained after the declared destruction date.” Moreover, “Iraq did not declare a significant quantity, some 650 kg, of bacterial growth media...[a quantity that] would suffice to produce, for example, about 5,000 litres of concentrated anthrax.”
- **Secretary Powell:** On February 5, 2003, before the United Nations Security Council, Secretary of State Colin Powell revealed much about intelligence sources about Hussein’s WMD programs. Specifically, he played tapes of Iraqis actively engaged in concealing WMD from U.N. inspectors; he cited multiple reports by witnesses and informants; he showed overhead

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<sup>7</sup> U.N. Security Council Press Release SC/7644, January 27, 2003, [www.un.org/News/Press/docs/2003/sc7644.doc.htm](http://www.un.org/News/Press/docs/2003/sc7644.doc.htm).

<sup>8</sup> U.N. Security Council Press Release SC/7644, January 27, 2003.

<sup>9</sup> U.N. Security Council Press Release SC/7644, January 27, 2003.

imagery of suspect facilities, citing specific photos demonstrating activity indicating an attempt to “sanitize” the sites; he discussed U.S. knowledge of Iraqi WMD procurement; and he cited UNSCOM’s detailed reporting of WMD that Iraq had never accounted for.<sup>10</sup>

- **Senator Biden:** In a June 6 letter to the *Washington Times*, Senator Joseph Biden (D-DE), Ranking Member of the Foreign Relations Committee, stated, “It was not by accident, however, that I did not include mention of Saddam Hussein’s cache of chemical and biological weapons; no one disputes he had them. . . . Given Saddam’s actual use of chemical weapons against Iran and his own Kurdish population, and the conclusion of U.N. weapons inspectors that huge stockpiles of such weapons were unaccounted for, the burden of proof was on him to account for his arsenal of weapons of mass destruction (WMD). He had ample time to show weapons inspectors that he no longer possessed them, and his failure to do so led the entire world to assume he retained them. That is why U.N. Resolution 1441 passed unanimously in the Security Council.”<sup>11</sup>
- **Dr. Rice:** On June 8, National Security Advisor Condoleezza Rice stated, in responding to questions in an interview on NBC’s *Meet the Press*, “In terms of intelligence estimates going in, the October 2002 intelligence estimate, national intelligence estimate, which is the definitive estimate by the intelligence community, said in its key judgments, Saddam Hussein has weapons of mass destruction, for instance, on chemical weapons, 100 to 500 metric tons of chemical agent in the country; a biological weapons program that was being rapidly reconstituted; evidence of efforts to reconstitute a nuclear program. And it was not just American intelligence.” She added that there was “supporting intelligence from all over the world. There was, of course, the United Nations weapons inspectors talking about unaccounted-for stockpiles of VX and anthrax and sarin gas.”<sup>12</sup>
- **Blix:** On June 10, Hans Blix, outgoing chief U.N. weapons inspector said that the prospect of finding WMD was passing by “quite fast, and instead of talking about [finding] WMD they’re talking about the programs. **We know for sure that they did exist...**and we cannot exclude [the coalition] may find something.”<sup>13</sup>

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<sup>10</sup> Colin Powell, presentation before the United Nations Security Council on February 5, 2003, New York, <http://www.state.gov/secretary/rm/2003/17300.htm>.

<sup>11</sup> *Washington Times* Letter to the Editor, “For the Record,” June 6, 2003.

<sup>12</sup> Dr. Condoleezza Rice, interview on *Meet the Press* June 8, 2003, <http://www.msnbc.com/news/923885.asp>.

<sup>13</sup> *Agence France Presse*, “Blix Rips Bush Aides As Harming His Job,” June 11, 2003 (emphasis added), <http://www.washtimes.com/world/20030611-120102-3468r.htm>.

- **Iranian official:** In a June 10 *Washington Times* story, Iran is reported to agree with the United States on one major issue — Saddam Hussein’s weapons. An Iranian official with ties to Supreme Leader Khamenei said, “Yes, we agree with the Americans. Our intelligence indicated that Iraq did possess weapons of mass destruction and was hiding them from the U.N.” Tehran does not know what happened to the weapons, but there is a strong suspicion that some may have filtered into local black markets.<sup>14</sup>
- **Retired Air Force Lt. General Buster Glosson:** General Glosson, who planned the air war in the first Gulf War, said, “Absolutely, Iraq had WMDs. . . . The only question is what weapons or precursors did they ship out of the country or destroy immediately prior to Operation Iraqi Freedom. . . . Once total security is established in Iraq and the shadow of Saddam removed, the Iraqi people will provide the WMD information for the world to see.”<sup>15</sup>

**Challenges to Finding Iraq’s WMD:**

- As Pentagon Spokeswoman Victoria Clarke noted on June 11, “Prior to the war, critics maintained that United Nations inspectors would need months to years to search for evidence of WMD. Yet, less than two months after the war, these same critics rush to judgment, unwilling to give coalition forces time to find the weapons Saddam had years to hide.”<sup>16</sup>
- Some of the numerous challenges hampering the Administration’s efforts to locate Hussein’s WMD program include:
  - ✓ Hussein’s 12-year practice of WMD concealment (buried munitions, concealment in private homes) and deception.
  - ✓ Reluctance of Iraqi WMD scientists to discuss their past work and fears of reprisal.
  - ✓ Looting of suspected WMD sites including Taiwatha, part of Iraq’s nuclear research program since its inception in the 1970s. (As reported in the *New York Times* on June 8, “an army of looters roamed here freely for days, ransacking vaults and warehouses that contained ample radioactive poisons that could be used to manufacture an inestimable quantity of so-called dirty bombs.”<sup>17</sup>)

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<sup>14</sup> Stewart Stogel, “Iran Agrees Iraq Hid Arms,” *Washington Times*, June 10, 2003.

<sup>15</sup> *Washington Times*, “Retired General Confident Iraqi Weapons will be Found,” June 16, 2003.

<sup>16</sup> Victoria Clarke, letter, “Thorough Searches Are Needed to Find Weapons in Iraq,” *USA Today*, June 11, 2003.

<sup>17</sup> *New York Times*, “Barrels Lotted from Nuclear Site Raise Fears for Villagers in Iraq,” June 8, 2003.

- ✓ The vast geographical size of Iraq, combined with the hundreds of suspected WMD sites, as well as the existence of an undefined number of mobile WMD labs, which are much less susceptible to discovery by inspectors and less vulnerable than a fixed site to discovery and attack. Moreover, mobile facilities can also support a mobilization production concept to provide biological warfare agents to operational units just before use. This concept — “just in time” WMD on demand — may also apply to Iraq’s chemical warfare program.<sup>18</sup>
- During a June 8 interview on “Meet the Press,” Dr. Rice stated that the “question of where and how we’re going to find his weapons of mass destruction is a separable question from what we knew going in. The fact is this was a program that was built for concealment. We’ve always known that. We’ve always known that it would take some time to put together a full picture of his weapon of mass destruction programs. We’ve always known that interviews with scientists and with those who were involved in the program would be the most credible evidence as to how this program was put together. In fact, the reason that we pressed so hard to have the weapons inspectors take people out of the country and interview them was because we knew that these were the people who could tell us how this program was put together for concealment.”<sup>19</sup>

### **Administration Action**

Despite the challenges, the Administration is actively and aggressively undertaking the following actions:

- Creation and Deployment of the Iraq Survey Group.
  - ✓ The Iraq Survey Group is a 1,400-member Pentagon team that will take charge of the physical search for evidence of Iraqi chemical, biological and nuclear weapons under David Kay, a former U.N. chief nuclear weapons inspector in Iraq after the 1991 Gulf War.
  - ✓ The Iraq Survey Group will lend direct support to Mr. Kay, who will report to CIA Director George Tenet.
  - ✓ It is the single national focal point for exploitation and elimination of Iraqi WMD.
  - ✓ It has an analytical capability forward-deployed with a link to an intelligence fusion center in the United States.

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<sup>18</sup> The White House, “Global Message,” June 9, 2003, <http://www.whitehouse.gov/news/releases/2003/06/iraq/20030609.html>.

<sup>19</sup>Rice, June 8, 2003.

- ✓ Its current capabilities include collecting intelligence on WMD post-war site surveys, POW/MIAs, war crimes, and terrorism.
- ✓ As of June 10, more than 230 sites have been checked.
- The Central Intelligence Agency has initiated an internal review of pre-war intelligence assessments and will be reviewing reports prepared by all major intelligence agencies.
- The President's Foreign Intelligence Advisory Board will also examine the allegation of whether intelligence was misused to justify Operation Iraqi Freedom.

### *Congressional Action*

- On June 11, Senate Intelligence Committee Chairman Pat Roberts announced that the Senate Select Committee on Intelligence is continuing to review intelligence documents on weapons and plans to focus on them in closed hearings beginning the week of June 16.
- The chairmen of the Senate Armed Services Committee, Senate Select Committee on Intelligence, and House Permanent Select Committee on Intelligence reject a broader probe.
- Senator Roberts stressed the importance of a thorough review of all documentation before anyone should initiate a discussion of a formal investigation of allegations that pre-war evidence on Iraqi WMD was manipulated.
- Senator Roberts said, "I will not allow the committee to be politicized or to be used as an unwitting tool for any political strategist," and added that the Intelligence Committee will "endeavor to complete three tasks":<sup>20</sup>
  - ✓ Gather and evaluate the intelligence underlying the pre-war assessments of Iraq's WMD capability and its connection to terrorist groups;
  - ✓ Evaluate the reasonableness of the assessments considering the quantity and quality of the intelligence;
  - ✓ Evaluate the accuracy of those assessments by comparing them with the results of the ongoing search in Iraq for the prohibited weapons and the connection to terrorist groups.
- Senator Warner said, "The Senate Armed Services Committee has had three hearings now on the subject of Iraq with emphasis on the issues relating to weapons of mass destruction. And I can say for myself, as I've said a number of times . . . that the evidence that I have examined

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<sup>20</sup>Senator Pat Roberts, press conference, June 11, 2003, Washington, D.C.

does not rise to give the presumption that anyone in this administration had hyped or cooked or embellished such evidence to a particular purpose.’<sup>21</sup>

### **Conclusion**

- Congress is exercising its oversight authority and has set in place procedures to review comprehensively, and on a bipartisan basis, the intelligence surrounding Iraq prior to the outbreak of war, and to take account of any dissident views on the Iraqi threat within the intelligence community.
- The U.S. armed forces are still trying to pacify sectors of Iraq and to deal with daily attacks on U.S. soldiers west and north of Baghdad. People who have lived in a police state with no freedom of speech are unlikely to volunteer information until stability and security are achieved in Iraq.

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<sup>21</sup>Senator John Warner, press conference, June 11, 2003, Washington, D.C.